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Memorandum - 6

OGC HAS REVIEWED.

25 May 1955

MEMORANDUM FOR: Special Support Assistant/Deputy Director/Support

SUBJECT : Proprietary of Storage at Government Expense of  
25X1A2d1 Household and Personal Effects for [REDACTED] Personnel

REFERENCE : Your Memorandum, Same Subject, Dated 19 May 1955 and  
Enclosure Therewith

1. In your memorandum and the enclosed memorandum from the Chief of Administration, WE Division, the question is posed as to whether this Agency may pay the cost of the storage in this country of the household and personal effects of [REDACTED] Personnel who were being transferred from [REDACTED].

2. From the memoranda, and as supplemented by a telephone conversation with [REDACTED] Chief of Administration, WE Division, the following facts were made available to this Office. These people in question have been on duty in [REDACTED] which has been determined to be an emergency area pursuant to the authority granted in paragraph 3a(1)(c) of [REDACTED] dated 27 November 1953. This being so, their household and personal effects did not accompany them overseas but were stored in this country pursuant to the authority [REDACTED].

This authority in turn is derived from section 911(4) of the Foreign Service Act of 1946 (60 Stat. 999, 22 U.S.C.A. 801 (1946)), as amended. The provisions of both of these statutes appear substantially in the cited paragraph of [REDACTED] and in paragraphs 12(1) and (2) of that regulation.

[REDACTED]

[REDACTED]

You will observe that the authority granted in the statute extends to the payment of the cost of the storage of effects in that situation in which either the officer or employee is (a) absent under orders from his usual post of duty or (b) is assigned to a post to or at which, because of emergency conditions, he cannot (1) take his household effects or (2) use them. It is important in the context of the problem which you pose

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to note that the phrase "because of emergency conditions" modifies the inability of the employee concerned to either take or use his effects at a given post.

25X1A6a 3. Against this background the question is raised as to whether the Agency may pay the cost of the storage of effects in the United States in that situation in which the employee merely does not wish to have his effects with him at the new post of duty. In apparent support of the thesis that it should, you point out that there is considerable saving to the government involved in that the cost of storage does not begin to approximate the cost of shipment. As you know, [REDACTED] is not an emergency area.

4. We recognize the merit in your argument. However, the law is explicit as to the circumstances in which expense of storage of effects of overseas personnel will be borne by the government. In the case at hand the new duty station is not a temporary one; nor is it an emergency area. And the statute does not provide for the contingency of the employee's desire that his effects be stored rather than be sent. We conclude that the Agency is without authority to pay the storage of effects on the basis of desire and convenience of the employee, considerations of economy to the contrary notwithstanding. We add that this conclusion has been informally checked with the General Accounting Office and with the Department of State and that both offices are in agreement with it.

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25X1A6a  
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[REDACTED]

Office of General Counsel

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